IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL SECOND APPEAL NO.701/2007
Ram Chandra & Anr. Vs. Ramkant Ojha & Ors.

29.10.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri B.L. Agarwal }
Shri J.C. Jain },for the appellant.
Shri R.K. Goyal, for the respondent.

Shri R.K. Goyal appears on behalf of the respondents. The service is complete.

Heard learned counsel for the parties.

Learned counsel for the appellant had on 26.9.2007 submitted that the appellant does not wish to press this appeal on merits and some time may be allowed to vacate the premises.

Learned counsel for the respondent in consultation with his client submits that the respondent shall not execute the decree upto 31.12.2008 in case the appellant undertakes to hand over vacant possession of the premises on or before the said date.

In view of the above it is hereby ordered that in case the appellant submits an undertaking before the learned trial court that the appellant shall handover vacant and peaceful possession of the premises on or before 31.12.2008 the decree shall not be executed till then.

The undertaking shall also state that the appellant will not sub-let, assign or part-with the possession of the premises nor will he create any third party interest in the same during the aforesaid period.

The appellant shall furnish the undertaking within four weeks from today and shall also pay all arrears of rent upto 31.10.2007 within this period. The appellant shall continue to pay the rent which has been determined between the parties in the proceedings before the tribunal as per the decision during the period upto 31.12.2008 regularly month by month the 15th day of the next month.

In case any of the above conditions are not fulfilled as directed the respondent shall be free to execute the decree forthwith.

This appeal and the stay application stand disposed of as above.

(DALIP SINGH),J.

Ramchandrkhatri,PS